

EXHIBIT F

David Goodrich, et al. vs Fisher-Price, Inc.
Courtney Goodrich

March 21, 2017

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 DAVID GOODRICH and
5 COURTNEY GOODRICH,
6 Individually and as Next Friends of
7 ASHER LUKE GOODRICH, a minor,

8 Plaintiffs, CIVIL ACTION FILE

9 v. NO. 1:16-CV-03116-TWT

10 FISHER-PRICE, INC.,

11 Defendant.

12

13 VIDEOTAPED DEPOSITION OF
14 COURTNEY GOODRICH

15

16 March 21, 2017

17 1:48 p.m.

18

19 6111 Peachtree Dunwoody Road, N.E.
Building C, Suite 201
Atlanta, Georgia 30328

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22

23 Gala M. Reznick, RPR, CCR-B-826

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1 Q Okay.

2 A They're -- they're full-size cribs on
3 wheels.

4 Q So you just grab a rolling crib and pull
5 it into your classroom?

6 A Yes.

7 Q So that's the way you took care of Asher
8 on --

9 A Uh-huh.

10 Q -- on the 24th?

11 Let's go back and just talk about the Rock
12 'n Play for just a moment, because we know you used
13 that on July 25.

14 You heard David testify earlier this
15 morning about the utilization of that and -- and the
16 obtaining of that from your neighbors.

17 A Uh-huh.

18 Q Were you involved in that process at all?

19 A No. It wasn't actually something we asked
20 to borrow. It was just -- they're very much, like,
21 giving people and always offering, you know,
22 anything that they have. So they just kind of
23 offered it.

24 Q All right. And were you there when the
25 Jennings -- I believe that was the name --

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1 A Uh-huh.

2 Q -- of your next-door neighbor.

3 -- when the Jennings delivered the

4 Fisher-Price Rock 'n Play to you?

5 A I'm not sure if I was actually watching
6 them deliver it or not. I did know they were.

7 Q All right. And we were talking about your
8 answers to interrogatories --

9 A Uh-huh.

10 Q -- and when it had been used. And I
11 believe the first date that it had been used was
12 June 30 of 2014. Does that sound about right to
13 you?

14 A Yes.

15 Q All right. And how were you able to
16 chronicle in your answers to interrogatories the
17 days that the Rock 'n Play were actually used prior
18 to July 25, 2014?

19 A I believe I just kind of went back
20 through, just -- I tried to think of -- we had -- we
21 had only used it about three times. And so I just
22 tried to think of specifically what I used it for.

23 Q Okay. And so then do you recall on
24 June 30, 2014, which is the first time you used
25 it --

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1 Q -- was he buckled or not buckled at the
2 time of the event on July 25, 2014?

3 A Not buckled.

4 Q All right. So let's talk about, then --
5 again, let's go back to July 25.

6 A Uh-huh.

7 Q And let's talk about what you did on that
8 day, and going to school, and going out to lunch
9 with your mom, and so forth.

10 A Okay. So we got to school. And she
11 didn't -- she's from -- she lives in Greenville, so
12 she wasn't initially there when I was first getting
13 to my classroom. And it was just me.

14 And I was trying to actually just hold
15 Asher in -- in a little thing that, you know, straps
16 to my body, like a Baby Bjorn, and just kind of
17 tried to work with him on -- on me.

18 And so I had worked for a couple hours,
19 and then she got there. And when she got there, we
20 went out to lunch at a just local place called The
21 Baking Grounds. And --

22 Q Did you have the Rock 'n Play in the
23 classroom in the morning?

24 A Yes. Uh-huh.

25 Q All right. But you did not use it in the

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1 **morning?**

2 A Right. I'm -- I'm actually not sure if it
3 was even -- it was in my trunk. We may have brought
4 it in after lunch, or it may have already been set
5 up. I'm really not sure about that. But I had not
6 tried to use it prior.

7 **Q Right.**

8 A I just had him on me. Just it's -- it
9 was -- if he's awake, it was always easier to not
10 have him be down.

11 **Q All right.**

12 A So we went to lunch. And at lunch, he
13 ended up falling asleep, you know, after being
14 nursed. And we, you know, had him in his car seat
15 just at -- at the table.

16 **Q Let's talk about the car seat for just a**
17 **moment. Do you know the make and model of the car**
18 **seat?**

19 A I'm not sure about the model, but the
20 brand is Chicco.

21 **Q All right. And how long have you had that**
22 **car seat?**

23 A It was new.

24 **Q It was new?**

25 A Yeah, for him. Yes.

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1 MR. MOORE: That's agreeable.

2 BY MR. HINES:

3 Q So you-all come back from lunch. And you
4 get back to your classroom at approximately what
5 time? If you remember.

6 A I'm sure it was between -- around 1:00,
7 maybe. 1:00ish to 2:00.

8 Q All right. And then at that point, what
9 is Asher doing? Where is he located and so forth?

10 A So we just carried his car seat from
11 the -- from the restaurant to the -- to the base,
12 which was located in my van, and then took it out of
13 the base and brought it into my classroom.

14 Q The car seat has what one might call a
15 receiver down at the bottom where --

16 A Yes.

17 Q -- it clicks into that seat?

18 A Uh-huh.

19 Q All right. That's how the car seat works?

20 A Yes.

21 Q And then you just unclick it from the
22 receiver?

23 A Right. It's got a handle. It's just a
24 typical infant car seat.

25 Q Right. And you then carry it from the

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1 car, and you carried Asher in the car --

2 A Yes.

3 Q -- with you into your classroom somewhere
4 around early afternoon, two o'clock. We'll just
5 throw a number out and say two o'clock.

6 A Okay.

7 Q And how long does he stay in the car seat,
8 and then when do you put him in the Rock 'n Play?

9 A So as we got there and were prepared to
10 work again, we just -- he stayed in the car seat
11 maybe 15 minutes. And then we transferred him,
12 because, you know, he was all strapped in and didn't
13 look very comfortable.

14 Q He did not look comfortable sitting in
15 the --

16 A Well, I mean, no one would be comfortable
17 sleeping in, like, a full, you know, harness
18 strapped in.

19 Q Right. Although it's somewhat inclined,
20 so his head is back, he's lying -- is his weight
21 more on his back or his butt as he's sitting in
22 there?

23 A More on his back.

24 Q And -- but you didn't think he was
25 comfortable. So at that point, you moved him over

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1 to the Rock 'n Play; is that right?

2 A Right.

3 Q And so if you had -- again, we're just
4 approximating here.

5 A Uh-huh.

6 Q And it's essentially unimportant. I'm
7 just trying to get a rough time frame.

8 A Uh-huh.

9 Q Assuming you-all get back to the classroom
10 around two o'clock, he's in the car seat for roughly
11 15 minutes?

12 A Uh-huh.

13 Q Then you-all, at that point, decide, "Eh,
14 I think he would be more comfortable in the
15 sleeper." And so you move him from the car seat to
16 the sleeper at that time; is that fair?

17 A That's yes.

18 Q Okay. And your mom is there with you at
19 the time; is that right?

20 A Yes.

21 Q All right. And we always refer to your
22 mom here in the deposition, but that's Jan Hinson;
23 is that right?

24 A Uh-huh. Yes.

25 Q Okay. And so Ms. Hinson is there with

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1 you. And you-all then go about putting Asher in the
2 Rock 'n Play at that point?

3 A Yeah.

4 Q All right. Now, tell me, in your words --
5 I'm not concerned with what David said, because
6 he -- he wasn't doing this.

7 A Yes.

8 Q Let me just -- I guess I am concerned
9 about what David said.

10 MR. HINES: I don't mean to just
11 disregard your testimony. I'm sorry.

12 MR. GOODRICH: Thank you.

13 BY MR. HINES:

14 Q So let me go back. Let's -- let's --
15 seriously, we'll just -- let me start the question
16 over again.

17 A Okay.

18 Q Tell us what you did -- how you took Asher
19 from the car seat and how you and Ms. Hinson went
20 about putting him in the Rock 'n Play sleeper.

21 A I just unstrapped his car seat, and took
22 him out, and kind of got him comfortable in my arms,
23 and kind of made sure he was still, you know, good
24 and asleep, and then just laid him in the -- in
25 that.

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1 And at -- at this point, we did not have
2 the blanket with us. I mean, it was -- it was in
3 the car seat. We just left it there.

4 **Q Okay. The blanket was in the car seat?**

5 A Right. And so we placed -- placed -- I
6 was the one who put him in the infant sleeper. And
7 my mom had never seen it before. So she -- I
8 already knew that the straps were really dumb and
9 way too big. But she wanted -- she's very, very
10 rule-following and by the book.

11 And so, of course, she had to physically
12 strap and see for herself that it was also
13 inappropriate and way too dumb and way too large,
14 even fully tightened.

15 So once I let her see that, we unstrapped
16 the straps and just kind of put the blanket around
17 him.

18 **Q So if I understand what you're saying,
19 you -- you physically took the -- what I'll call
20 waist straps --**

21 A Uh-huh.

22 **Q -- and your mom, as you say, the
23 rule-follower --**

24 A Uh-huh.

25 **Q -- wanted to follow the rules?**

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1 A Yes.

2 Q And wanted to strap Asher in?

3 A Uh-huh.

4 Q And then clip the buckles together?

5 A Uh-huh.

6 Q Is that right?

7 A Yes.

8 Q And then Asher, at that point, is wearing
9 diapers?

10 A In a onesie.

11 Q And a little onesie. And the onesie is
12 short-sleeved and short-legged, if you will?

13 A Yes.

14 Q Just came around the diaper; just covered
15 the diaper and up around the neck --

16 A Right.

17 Q -- and just down to the arms?

18 A Uh-huh.

19 Q And so at that point, you -- she
20 determines that the buckles were not functioning as
21 she would have expected, perhaps --

22 A Right.

23 Q -- and you-all unbuckled the buckles --

24 A Right.

25 Q -- at that -- at that point; is that fair?

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1 A Okay. Okay.

2 Q Do you see that?

3 And these, of course -- I was asking
4 earlier today, but let's just turn to Exhibit 5 for
5 just a second. Do you see the warnings that are on
6 the first page?

7 A Yes.

8 Q And then did you ever have occasion to
9 look at the warnings that are on the head -- I'll
10 call it headboard --

11 A Underneath?

12 Q -- over there?

13 A Yes.

14 Q Yes. And had you looked at those warnings
15 prior to the event?

16 A No.

17 Q Okay.

18 A I didn't even know that they existed,
19 because they're in an awkward place.

20 Q Okay. So the warnings that we're now
21 talking about -- we'll just turn this around.

22 Are the warnings that are found -- and if
23 I can just ask the court reporter to just zoom in on
24 that warning for just a second.

25 All right. And those warnings are the

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1 same as the warnings inside Exhibit 5?

2 A Okay.

3 Q Correct?

4 A Is that "the soft bedding, don't use
5 comforters"?

6 Q Yes.

7 A "Soft bedding, padding, extra pads."

8 Q "Failure to follow these warnings and" --

9 A Yes.

10 Q -- "instructions." And then it drops
11 down, "Always use the restraint. Always use the pad
12 provided." Then it goes into the "and never use,"
13 and it goes into suffocating hazards --

14 A Yes.

15 Q -- and so forth.

16 So the record will be clear that -- about
17 those warnings. But you say you had never noticed
18 those before; is that right?

19 A Right.

20 Q All right. Now, I've got one other
21 manipulation. And we may need to move the camera to
22 do this. I've got a federally-approved infant --

23 A Okay.

24 Q -- a dummy, who is compliant with FMVSS
25 113, and is an anthropomorphic dummy. So let me ask

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1 plane that was imparted by your elevating the head
2 of the bed by putting devices on the feet of the
3 head of the bed. So we're talking about that --
4 that plane.

5 A Uh-huh.

6 Q And we're talking about the fact that a
7 crib with no elevation would be at zero degrees.

8 A Uh-huh.

9 Q We're talking the Rock 'n Play would be at
10 30 degrees. As between 30 degrees of the Rock 'n
11 Play and a zero degree plane, approximately, if you
12 can reasonably tell me this -- I don't want you to
13 guess. But if you can reasonably tell me this, can
14 you tell me approximately the degree of the plane of
15 your bed at home?

16 A I would say approximately 5.

17 Q 5 degrees?

18 A Uh-huh.

19 Q Okay. Do you know what the planes of
20 cribs are in NICUs for infants that are on
21 ventilation?

22 A No.

23 Q Has anybody ever told you that?

24 A No.

25 Q How long did you leave the head of the bed

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1 **elevated for Asher?**

2 A I mean, as long as he stayed in that bed,
3 which was almost until he was one.

4 Q Until -- until he was weaned?

5 A One. Until --

6 Q Oh, until he was one. Sorry.

7 A Almost until one.

8 Q Almost till one. All right. And during
9 that period of time when the bed was elevated, did
10 he ever have any events at all in that bed?

11 A No.

12 Q And we know that -- and we can go through
13 these records. And I'm just going to touch on them,
14 because we have all of the apnea-monitoring records
15 here.

16 A Uh-huh.

17 Q But during the period of time that he was
18 being monitored with the apnea monitor, there was
19 never any abnormality in the monitoring during the
20 period of time the monitor was being used. Is that
21 fair?

22 A That's fair. The only time it ever went
23 off was when the battery was low. And it --

24 Q But at least when you left Egleston, you
25 understand -- or you understood at that time that

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1 Q Courtney, let me pick back up in time

2 and --

3 A Uh-huh.

4 Q I apologize for bouncing back, but let me
5 flag where I'm going. I want to go back in point of
6 time from the time you-all borrowed the Jennings'
7 Rock 'n Play --

8 A Uh-huh.

9 Q -- that we have here to the moment of the
10 event.

11 Did you -- between the period of time you
12 first picked up -- or the Rock 'n Play was delivered
13 to you -- from that moment of time up until the
14 event on July 25, did you ever look up the
15 instructions or information, material from
16 Fisher-Price on the unit?

17 A I never saw any instructions at all. The
18 only thing I did know and find out is was it age
19 appropriate. I was -- I was just wanting to see if
20 it was for older kids or for that age.

21 Q All right. And where did you go to look
22 for that information?

23 A On the Internet.

24 Q Okay. And did you, while on the Internet,
25 run across or look for any instructions for the Rock

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1 'n Play?

2 A No.

3 Q All right. Have you subsequent to that
4 time gone on the Internet and searched for
5 instructions for the Rock 'n Play?

6 A Yes.

7 Q And have you found that on the Internet
8 there are instructions for the Rock 'n Play?

9 A I have. I've also found some also, you
10 know, very disturbing articles and other information
11 on the Rock 'n Play.

12 Q That are written by one or two people;
13 right?

14 A That are written by one or two people.
15 And, in addition, just more articles, too, on the --
16 the head. Like, most -- most of the complaints were
17 about the -- the head shaping of infants in the Rock
18 'n Play.

19 Q The plagiocephaly?

20 A Yes, the helmet head.

21 Q Right. And you get that whether you're in
22 a Rock 'n Play or whether you're putting your child
23 down in a fully supine position at zero-degree tilt;
24 correct?

25 A I'm not sure. It just seemed -- it -- it